

REMARKS

Claims 1-54 are pending in this application, of which claims 1-13, 15-27, 31-39, 53 and 54 are allowed. Claims 14, 28-30, 40-47 and 49-52 have been rejected, and an objection has been made to claim 48. Upon entry of the following amendments, claims 1-40, 42-47 and 49-54 will remain pending in this application. The amendments to the claims are fully supported by the specification and the original claims. No new matter has been incorporated by this Amendment. The Examiner is respectfully requested to reconsider and withdraw the outstanding objection(s) and rejection(s) in view of the amendments and remarks contained herein.

OBJECTION

Claim 48 was objected to as being dependent on a rejected base claim. However, the Office Action indicates that this claim would be allowable if rewritten in independent form. Accordingly, claim 48 has been canceled and its subject matter has been incorporated into independent claim 44.

REJECTIONS UNDER 35 U. S. C. § 103

Claims 14, 28-30, 40-46 and 49-52 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Rains in view of Rigney.

Claim 47 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Rains in view of Rigney and Barbour.

Applicants respectfully submit that these rejections should be withdrawn in light of the amendments to independent claims 14, 28 and 44. The Office Action states that Rains discloses a cooking device comprising a perforated basket, a bailing handle engaged with the basket, a cooking pot, and a basket support for engaging an upper edge of the cooking pot. The Office Action also alleges that Rains discloses the claimed subject matter except for a flow/no flow

drain off valve, but it is alleged that this feature is disclosed in Rigney. The Office Action further alleges that features of claim 47 are made obvious by Barbour in that it would have been obvious to one skilled in the art to provide the device of Rains, as modified by Rigney, with the outdoor cooker of Barbour. Applicants respectfully submit however that, as amended, claims 14, 28, and 44 disclose features of allowable subject that are not made obvious by Rains, Rigney and Barbour. Thus, this rejection is respectfully traversed.

Amended claim 14 incorporates the following feature of allowable subject matter from independent claim 1: “wherein said capture device has a radial extension that provides for placement of said basket within the cooking pot in a cooking mode with said radial extension being free of contact with said pot.”

Likewise, claim 41 has been canceled and its subject matter was incorporated into independent claim 28. As amended, claim 28 recites the following feature of allowable subject matter: “wherein following insertion of the basket with turkey into the cooking fluid, there is maintained a radial spacing between a capture device and an interior wall of said pot.” Neither Rains or Rigney disclose or suggest this feature.

In addition, as previously discussed, claim 48 has been canceled and its subject matter was incorporated into claim 44 to overcome the objection to claim 48. As such, amended claim 44 recites the following feature of allowable subject matter: “wherein said capture device has a radial extension that provides for insertion of said basket fully within said pot while maintaining a radial clearance between a radial outer edge of said capture device and said pot.”

Based on these amendments, Applicants submit that the present invention as set forth in claims 14, 28 and 44 is not made obvious by Rains singly or in any combination with Rigney or Barbour. Neither Rigney or Barbour remedies the deficiencies of Rains with respect to amended

claims 14, 28 and 44. Therefore, each of these independent claims and their respective dependent claims are patentably distinguishable over the cited prior art. Moreover, it is respectfully submitted that there is nothing in the cited documents that would have motivated those of ordinary skill in the art to combine the teachings of the cited art in any way that would render the claimed invention obvious. Therefore, because the prior art fails to disclose the claimed invention, Applicants respectfully submit that amended claims 14, 28 and 44 would not have been obvious, and the asserted rejections over the alleged combination of Rains, Rigney and Barbour are overcome. Accordingly, claims 14, 28 and 44 and their dependents are respectfully submitted to be in condition for allowance.

CONCLUSION

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejections and objection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 031312M010.

Respectfully submitted,

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